

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

SAVIENT PHARMACEUTICALS, INC.,

Plaintiff,

v.

SANDOZ, INC. AND UPSHER-SMITH
LABORATORIES, INC.,

Defendants.

Civil Action No. 06-5782 (PGS)

ORDER

This matter having been opened to the Court by way of Order to Show Cause seeking temporary restraints on December 4, 2006 and supplemental affidavits having been submitted thereafter, and for the reasons expressed on the record on this day, and for good cause shown,

IT IS on the 8th day of December 2006,

ORDERED that the temporary restraints placed in effect on December 4, 2006 shall be vacated as of Tuesday, December 12, 2006 at 5:00 p.m.; and it is further

ORDERED that in accordance with 28 U.S.C. § 1292(b), this Court is of the opinion that an immediate appeal from this order may materially advance the ultimate termination of the litigation; and it is further

ORDERED that in light of same, this Court will grant permission of the parties to file an interlocutory appeal on this issue; and it is further

ORDERED that the Order of this Court requiring that a bond be posted by Savient is vacated.

December 8, 2006



PETER G. SHERIDAN, U.S.D.J.